

JEFFREY COHN
Attorney at Law
35 East 85th Street, Suite 4B
New York, New York, 10028
646-201-5202
jcohnlaw@gmail.com

By ecf
Honorable Colleen McMahon
U.S. District Judge
Southern District of New York

Re: *United States v. Rodin Diaz* , 18 Cr. 540 (CM)

Dear Judge McMahon,

I write to request that the Court impose a sentence of time already served as the incarceration portion of Mr. Diaz' sentence. And, to the extent the Court enters a forfeiture order, I request that the judgment amount be limited to \$600,000 with the special condition that Mr. Diaz be permitted to collect legitimately outstanding debts incurred by produce clients during the period overlapping the criminal activity. For the reasons which follow, such a sentence is consistent with the mandate of 18 U.S.C. section 3553(a).

Rodin Diaz is a simple, almost 60 year old man who grew up in an abusive household with an alcoholic father. He dropped out of school when he was in the seventh grade and has no further education. After a lifetime of working blue collar jobs for paychecks, he discovered an aptitude for working at the Hunts Point Produce Market in 2002. He became a successful produce salesman who always did legitimate business until he met and formed a close, almost family-type bond with his co-defendant Robert Galiano. When Robert fell into deep debt on account of his gambling problem, he roped loyal Rodin deeper and deeper into fraudulent schemes designed to defraud produce suppliers and shippers. Because Rodin was principally a

salesman during this time, his direct involvement in the fraud was mostly limited to helping Robert. Nothing in this submission is meant to diminish or excuse Rodin's crimes. He knew what he was doing was wrong, but at all points he desired and believed the victims would be repaid. Except for a few victims, most did not even know Rodin because they only dealt with Robert. One of Rodin's greatest shames is that he involved his niece as a straw figure to justify credit and hide his and Robert's true roles in Produce Market business.

Since his arrest and through his cooperation, Rodin has insisted that there is approximately \$600,000 of legitimately incurred outstanding and collectible debt. During his pre-sentence cooperation, the government did not permit him to collect that debt. He still believes, if authorized, he may collect it and compensate the victims.

With the government's approval, Rodin has been readmitted to the Hunts Point Market and conducting legal business for over a year. The Probation Department recommended a sentence of six months incarceration in spite of Rodin's Parkinson's stricken wife's reliance on him. They reasoned, *inter alia*, that one of Rodin's two adult children could help care for his wife. However, after the P.S.R. was issued, Rodin's daughter was the victim in a horrific car accident and lost her leg below the knee. She, too is now living with and depending on Rodin.

Sincerely

A handwritten signature in blue ink, appearing to be 'JC' or similar initials, written in a cursive style.

Jeffrey Cohn